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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,028	03/19/2004	Gerald M. Simon	2020504	6926

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EXAMINER

BASINGER, SHERMAN D


ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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 Office Action Summary	Application No. 10/804,028	Applicant(s) SIMON, GERALD M.	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5 and 11 are objected to because of the following informalities: In claims 5 and 11 "each locking mechanism" has no clear antecedent. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al in view of Dornier and Sullivan.

In Howe et al the small boat is the canoe, the body is b, the float is i and the connecting joint is c.

Howe et al does not disclose at least one adjustable float portion. Note the adjustable float portion 21 with the strap fastening means 23 structured to secure the at least one adjustable float portion vertically relative to the float portion 15.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to the float i of Howe et al an adjustable float portion similar to that of Dornier. Motivation to do so is found in lines 1-5 of page 1 of Dornier.

Howe et al does not disclose the lock unit including an over center clamping means on the body between the proximal and distal ends which releasably engages the top rail of a respective side of the boat. Note the lock units 15 and 16 of Sullivan which are over center clamping means similar to the over center clamping means 88 shown in figure 3 of the drawings of the instant application (see also page 12, lines 21-end of the instant application). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide lock units similar to 15 and 16 of Sullivan to the bodies b of Howe et al to lock the bodies to the top rails of the sides of the boat. Motivation to do so is to better lock the stabilizers of Howe et al to the boat. Providing lock units similar to those of Sullivan to the stabilizers of Howe et al to work in conjunction with springs c would mean that the bodies b would be attached to the boat more securely.

4. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al in view of Dornier and Morriseau, newly cited.

In Howe et al the small boat is the canoe, the body is b, the float is i and the connecting joint is c.

Howe et al does not disclose at least one adjustable float portion. Note the adjustable float portion 21 with the strap fastening means 23 structured to secure the at least one adjustable float portion vertically relative to the float portion 15.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to the float i of

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Howe et al an adjustable float portion similar to that of Dornier. Motivation to do so is found in lines 1-5 of page 1 of Dornier.

Howe et al does not disclose the lock unit including an over center clamping means on the body between the proximal and distal ends which releasably engages the top rail of a respective side of the boat.

Note the lock units 50 of Morriseau which are over center clamping means. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide lock units similar lock units 50 of Morriseau to the bodies b of Howe et al to lock the bodies to the top rails of the sides of the boat. Motivation to do so is to better lock the stabilizers of Howe et al to the boat. Providing lock units similar to those of Morriseau to the stabilizers of Howe et al to work in conjunction with springs c would mean that the bodies b would be attached to the boat more securely.

Allowable Subject Matter

5. Claims 2-5 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant added the subject matter of original claim 6 to claims 1 and 7. In the first office action claim 6 was indicated to contain allowable subject matter. Applicant argued that neither Howe et al, Dornier or Sullivan discloses a lock unit having an over-center clamping means as taught and claimed by the present invention. However, upon

further review of the specification of the instant application (page 12, lines 21-end), it is noted that applicant disclosed the clamp-lock 88 as being an over center-type lock. The lock units 15 and 16 of Sullivan are very similar and lock in the same way as does the lock 88 of the instant application. Therefor, the locking units 15 and 16 of Sullivan are too over the center type locks.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET)/5:30-2:00(after 4/11/05).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sherman D. Basinger 3/4/05
Primary Examiner
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